

**REMARKS**

Claims 1-15 and 17-18 are pending in the application. By this Amendment, claims 1, 5 and 7 are amended and claim 16 is canceled without prejudice or disclaimer.

The Office Action rejects claims 1-8, 10-14 and 17-18 under 35 U.S.C. §103(a) over U.S. Patent 6,459,942 to Markow et al. (hereafter Markow) and U.S. Patent 5,745,583 to Koizumi et al. (hereafter Koizumi). The Office Action also rejects claims 9 and 15-16 under 35 U.S.C. §103(a) over Markow, Koizumi and U.S. Patent 6,775,322 to Zangi et al. (hereafter Zangi). The rejections are respectfully traversed.

Independent claim 1 recites a mobile communication terminal that includes a CODEC adapter, an equalizer and a CPU. Independent claim 1 further recites that the mobile communication terminal comprises a mobile telephone.

The applied references do not teach or suggest all the features of independent claim 1. More specifically, Markow's Fig. 4 shows a speakerphone 18 and a modem 24. The speakerphone 18 and modem 24 do not correspond to a mobile communication terminal that comprises a mobile telephone. The Office Action relies on Markow's equalizers 28, 30 in order to suggest features relating to adjusting a timbre of a converted analog signal. However, Markow does not specifically discuss that equalizers 28, 30 adjust a timbre of a converted analog speech signal. Rather, Markow discloses that the equalizer 28 provides acoustic coupling at the microphone 16 to offset acoustic coupling gain produced by sound reflections. See Markow's col. 4, lines 4-10. Additionally, Markow discloses that the equalizer 30, which is the equalizer identified in the Office Action for claim 1, amplifies the acoustic signal. See Markow's col. 4,

lines 32-36. Markow does not disclose that the equalizer 30 adjusts a timbre of a converted analog speech signal.

Additionally, the Office Action agrees that Markow does not teach a CPU to supply a timbre control signal corresponding to a frequency band set by a user. The Office Action then relies on Koizumi's Fig. 1 showing a microcomputer 11, an equalizer 6, a mode selecting key 16 and a memory 12. However, Koizumi relates to an audio playback system 1 that includes an AM receiver 2, an FM receiver 3, a cassette tape deck 4 and a CD player 5. These features do not relate to a mobile communication terminal and/or a mobile telephone. In Koizumi, which includes a large number of components such as an AM receiver 2, an FM receiver 3, a cassette deck 4 and a CD player 5, the user may select one of a plurality of set modes to control the equalizer 6 within the audio playback system 1. However, this does not suggest that Koizumi's microcomputer 11 (that includes mode setting means 13 and equalizer characteristic selecting means 14) may be provided within Markow's speakerphone 18. Further, there is no suggestion to provide Koizumi's features within a mobile telephone. Rather, it appears the only suggestion in order to provide the alleged combination is provided in applicant's own specification. Thus, this is impermissible hindsight. Stated differently, there is no suggestion in the applied references for providing Koizumi's microcomputer 11 within a mobile communication terminal (and mobile telephone) and/or to be provided within Markow's speakerphone and modem combination. Accordingly, for at least these reasons, independent claim 1 defines patentable subject matter.

Each of independent claims 5 and 7 defines patentable subject matter for at least similar reasons. That is, independent claim 5 recites a mobile communication terminal that includes various features such as a CODEC, a CPU, an equalizer control section and an equalizer. Independent claim 5 recites the equalizer adapted to adjust a frequency band of transmitted/received speech signals. Independent claim 5 further recites that the mobile communication terminal comprising a mobile telephone. For at least the reasons set forth above, the applied references do not teach or suggest these features. Thus, independent claim 5 defines patentable subject matter.

Further, independent claim 7 recites a mobile terminal that includes an input device, a converting device, an equalizing device and a control device. Independent claim 7 further recites that the mobile terminal comprises a mobile telephone. For at least the reasons set forth above, the applied references do not teach or suggest these features. Thus, independent claim 7 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

## **CONCLUSION**

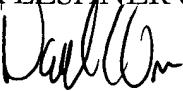
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-15 and 17-18 are earnestly solicited. If the Examiner believes that any additional changes would place the

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application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FDESHNER & KIM, LLP  
  
David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK:DCO/kah  
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**Please direct all correspondence to Customer Number 34610**